

January 22, 1976

SENATOR MURPHY: Yes.

SENATOR SAVAGE: Proceed.

SENATOR MURPHY: I don't think it makes any difference which amendment I address because the answer is the same. If I were Senator Cavanaugh or the Chair or Paul Douglas, I would say this Legislature cannot delegate the authority to appropriate money to another body. Now this is not a latitude in tax levy. This is an appropriation by this body in the amount of 5% of whatever the budget is to be added to that budget, which then, subsequently, is translated into tax levies. I don't believe you can authorize a latitude for the Board of Equalization to appropriate somewhere between 12 million or 20 million or 28 million dollars at their discretion because this is an appropriation. It is not a tax levy. Now we had the prior law at 5%. I think possibly that is too low. I certainly do not think it is too large or we wouldn't have been down here playing poker with the Governor last year and having him beat you with only four cards in his hand, but the fact of the matter is 5% left us in the hole in November and I think 3% would probably get us down here, oh, what would you say, July. And to those who want to have this body do it, to take this animal by the horns, I would just remind you, Senator Syas, that those horns you have have a lot of bull on the other end of them and I suggest we leave it that way.

SENATOR SAVAGE: Senator Stull, do you wish to speak on the amendment?

SENATOR STULL: Mr. President and members of the Legislature, my purpose was, in my amendment, to give a little more flexibility to the State Board of Equalization. I felt that it would strengthen the bill and I think it does. Now I think, Senator Koch's amendment, he didn't agree with my amendment and that is his right and I think now that he wants to tie it down a little closer, I think it would eliminate some of the flexibility that I had proposed in my amendment. I would certainly oppose his amendment and I think we should go ahead and advance the bill. I don't think that because the rate is 3% that will be the figure that the State Board of Equalization will be setting their sights on at all times. I think there is times that they might say 6½% and I am sure, I trust those people, and I would respect their judgment in the rates that they set.

SENATOR SAVAGE: Senator Mahoney. Senator Syas.

SENATOR SYAS: Very short and I hope to the point. You remember the special session we had the rate set at that time for one year. If we had gone higher at that particular time, as you all remember, we would have increased the sales tax. Do you remember that? If we would have gone one point higher, we would have increased the sales tax. We were on that borderline